

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

GARY C. and GALE B. WARREN,
and TOLL BROS., INC.,

Plaintiffs,

v.

NEW CASTLE COUNTY,

Defendant.

C.A. No. 07-725 SLR-LPS

[PROPOSED] STIPULATED STATUS QUO ORDER

IT IS HEREBY STIPULATED AND AGREED, by and between counsel for the parties in the above referenced action, without any party conceding their underlying claims and/or rights, subject to the approval and order of the Court and without ruling on the merits of Plaintiffs' claims, that:

1. Until expiration of the period of time ending at midnight October 31, 2008 (the "Status Quo Period"), Plaintiffs' major land development plan applications for the Warren Property and the Port Penn Assemblage (as defined in paragraphs 9 and 10 of Plaintiffs' Amended Complaint, collectively the "Plans") shall not be subject to expiration by New Castle County ("County").

2. As this Order is designed to preserve the status quo for the plan applications for the Warren Property and the Port Penn Assemblage during the Status Quo Period, the parties reserve and shall be permitted to present in this litigation all claims, rights, privileges, defenses, and remedies that they have in connection with the Plans or relating to this litigation or expiration of the plan applications if this litigation is not resolved or settled within the Status Quo Period, including, if not otherwise ordered

by this Court, Defendant's right to take the position, and Plaintiffs' right to oppose the position, that said applications have expired.

3. Nothing in this Order shall be construed as providing any party a right or claim for attorneys' fees and/or costs. In addition, nothing in this Order shall be construed as requiring Defendant to extend the Status Quo Period beyond the time period stated in Paragraph 1 above or precluding Plaintiffs from applying to the Court for an extension of the Status Quo Period beyond the time period stated in Paragraph 1.

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Attorneys for Plaintiffs

Attorneys for Defendant

Dated: March 19, 2008

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SO ORDERED this _____ day of _____, 2008.

Judge